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SUBJECT: COSTA RICA'S 2004 TRAFFICKING IN PERSONS REPORT

REF: STATE 273089

1. (U) Following is Embassy San Jose's submission for the 2004 annual anti-trafficking in persons (TIP) report. Responses are keyed to sections outlined in reftel, with the first paragraph beginning at 18A. Post's POC for the report is Political Officer Janae Cooley. Telephone number: (506) 519-2256. Fax: (506) 519-2364. Total number of hours spent in preparing the TIP report: Poloff Janae Cooley: 90, Political Assistant Hellen Sanou: 65, Political Section Chief: 1, Consular: 1, RSO: 1, A/DCM: 2.

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OVERVIEW  
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18A. (SBU) Costa Rica is a country mainly of transit, destination and, to a lesser degree, origin for internationally trafficked men, women, and children. Specific numbers for each population are unavailable, but government and non-government sources agree that women and children constitute the majority of trafficking victims who pass through Costa Rica. Trafficking also occurs within the country's borders. There are currently no comprehensive estimates as to the extent of the problem. The Ministry of Public Security noted that the number of charges filed in connection with sexual exploitation crimes increased significantly last year in relation to 2003. Sources for information on trafficking in persons include the Chief Prosecutor's Office, the Migration Department, the Public Security Ministry, the Women's Ministry, the Children's Welfare Institution (PANI), the Judicial Investigative Police (OIJ), the OIJ's special trafficking crimes investigative unit, the Legislative Assembly, the International Organization for Migration (IOM), the International Labor Organization (ILO), The United Nations' Children's Fund (UNICEF), non-governmental organizations (NGOs) Save the Children Sweden, Defense for Children International, Paniamor, Alianza Por Tus Derechos, Fundacion Rahab, and the press. Women and children are the most at risk of being trafficked, although one NGO reported that mini-vans full of tourists have been frequenting a gay nightclub in Limon Province that advertises young boys as an attraction.

18B. (SBU) Persons are trafficked to and through Costa Rica from all over the world. Police and NGOs reported that main source countries include Cuba, the Dominican Republic, Colombia, Nicaragua, Peru, Russia, Romania, the Philippines, China, Ecuador, and Guatemala. Governmental and non-governmental sources agree that individuals are trafficked internationally mainly to the United States, Canada, Mexico, and Europe. Save the Children specified Argentina and Spain as two destination countries. Investigators from the OIJ's trafficking crimes unit explained that there is a "training center" in Guatemala where individuals are sent to learn how to avoid being detected as bearers of fraudulent documents. The unit's investigators said that women are not generally trafficked to just one destination; they are moved from one location to another. IOM reported that there is evidence of trafficked Russian women in the southern Golfito area. IOM further explained that it is likely that the Russians are circulated throughout the country. IOM also reported that Dominican women are flown to Panama, and then brought overland into Costa Rica.

NGO Paniamor reported that trafficking activities have been identified that are timed to coincide with the harvest season. Women and children from neighboring countries sometimes voluntarily travel to Costa Rica to engage in commercial sex work with agricultural workers (banana plantations, for example), and later fall into organized networks of commercial sexual exploitation.

NGO Alianza Por Tus Derechos reported that Junquillal beach in Guanacaste province is known to have several Romanians and Russians who provide commercial sex services.

Individuals are also trafficked internally in Costa Rica. According to the Ministry of Public Security, people from outlying cities such as Ciudad Quesada (north of the

capital), Siquirres (east of the capital), and Quepos (south of the capital) are trafficked to San Jose. People are also trafficked from the capital of San Jose to the coastal areas, especially the Pacific coastal areas of Guanacaste Province and the Caribbean coastal town of Limon. In May 2004 IOM received reports of internal trafficking of Costa Rican minors who were recruited for sexual tourism and trafficked by their victimizers. NGO Fundacion Rahab reported that it knows of four girls who were trafficked internally from eastern coastal Limon province to the western coastal town of Jaco.

18C. (SBU) According to the Public Security Ministry, the number of trafficking routes has increased in the past year. For example, the Ministry has data about new routes to Japan where individuals were deceived into thinking they were going to be given legal jobs and, upon arrival, their passports were confiscated and they were forced into commercial sex work. According to Defense For Children International, both the routes and the number of people trafficked have increased in the past year. The NGO specified that the Philippines is a new country of origin for individuals trafficked to Costa Rica.

18D. (SBU) In August 2004, the OIJ created a new investigative unit dedicated exclusively to trafficking and smuggling. The unit consists of three investigators. The investigators are mapping the routes of and nexuses between identified traffickers. Additionally, Save the Children Sweden began working in January 2005 with local NGO implementing partner Paniamor to collect information from police and border guards in order to map known trafficking routes for the entire region of Central America.

18E. (SBU) The trafficking crimes investigation unit reported that trafficking victims are principally forced into commercial sex work, often in nightclubs, but some are also used to perform manual labor. According to the ILO, the majority of labor trafficking occurs in the domestic servant, agriculture, and fishing industries. NGO Alianza Por Tus Derechos reported that individuals are often promised work in restaurants and bars, but once they arrive their documents are confiscated and they are forced to engage in commercial sex work. The NGO reported cases of children trafficked from Nicaragua to beg for money in the streets in Costa Rica.

The Public Security Ministry reported that women are also trafficked to work as escorts. Once their services are no longer needed by their client they are returned to their countries.

To ensure compliance with their traffickers' demands, victims' travel documents are usually seized, and debt bondage is common. Victims are threatened with physical harm if they do not comply with the traffickers' demands, and the traffickers may also threaten to harm the victims' families.

Traffickers charge their victims up to USD 10,000 for the expenses incurred during their trip. The Public Security Ministry explained that traffickers usually stipulate a minimum period of six months during which the trafficked women must engage in commercial sex work in order to pay off the debt they owe to their traffickers. Additionally, the Ministry has information that Romanian women trafficked to Costa Rica have been threatened that if they refuse to engage in commercial sex work, their families in Romania could suffer reprisals, including kidnapping. These threats are targeted specifically at the families because the traffickers, in the case of the Romanian victims, provided USD 10,000 to the families as economic assistance, and the victims are then obliged to pay off the debt via commercial sex work. The Ministry reported that women often seek marriage to or a serious relationship with a wealthy local who can pay off their trafficking debt.

NGO Alianza Por Tus Derechos reported that in June 2004 it learned of two trafficked Nicaraguan girls working in the northern town of Ciudad Quesada who earned money for commercial sex work during "house parties." The female minors had to give 60 percent of their earnings to their traffickers. The NGO does not know what happened to the girls.

Many Dominicans are trafficked to Costa Rica to dance in nightclubs, where they are forced to engage in commercial sex work under the threat of being reported to the Migration Department if they refuse.

18F. (SBU) As a country of origin for internal trafficking, impoverished families with low levels of education are principal targets for traffickers. NGO Alianza Por Tus Derechos explained that trafficking victims rarely want to press charges against their trafficker because the GOCR cannot provide the security needed to ensure the traffickers do not harm the victim as a reprisal. Therefore, it is difficult to identify the traffickers. Defense for Children International reported that traffickers are generally

foreigners who have links with nightclubs and hotels. NGO Fundacion Rahab reported that truck drivers who regularly drive across the border are often trafficking women and children in the back of their cabs. Taxi drivers also often knowingly traffic girls to their clients.

The trafficking crimes investigative unit explained that many times the victims are recruited by local people known to them, possibly a neighbor or an acquaintance. The heads of the trafficking operations, however, are mostly foreigners, including Uruguayans, Cubans, Dominicans, Colombians, and Americans. The unit told Poloff that Chinese individuals generally only traffic people from China. Traffickers sometimes provide their victims with false documents.

Methods used to approach the victims include false offers of lucrative employment. Often females are offered jobs as exotic dancers in nightclubs, but they are told that the club's customers will not be allowed to touch them in any way. Defense For Children International reported that advertisements via internet and newspapers for hotel staff and models are used to lure females. The Public Security Ministry reported that there are cases of young Costa Rican women who were lured overseas by false employment offers promising a USD 1,500 weekly salary in addition to paid housing.

With regard to internal and regional (between Costa Rica and its neighboring countries of Nicaragua and Panama) trafficking, female minors aged 12-18 are usually trafficked in the back of semi-truck cabs. The minors are either approached by recruiters in the street who then take them to the vehicles, or they look for rides themselves. Sometimes the victims already know the truck drivers. These girls are generally extremely poor and come from families unable to provide for them. In some internal trafficking cases, the girls are transported to hotels in the hotels' own vehicles.

18G. (SBU) The GOCR is mainly focused on combating commercial sexual exploitation of minors. On May 18 2004, President Pacheco publicly committed to combat "on all fronts and with all resources the commercial sexual exploitation of minors." Because of a lack of resources, the GOCR places little emphasis on the trafficking of adults. There is some confusion within the government about the difference between trafficking and smuggling. It is difficult for NGOs and international organizations to work with the GOCR on trafficking because the GOCR thinks that it is already taking significant steps to combat the problem, which it defines narrowly as commercial sexual exploitation of minors. There are groups of individuals within the government who are knowledgeable about the differences between trafficking, smuggling, and commercial exploitation, but they are largely at the working level. Individuals at the policy-making level are focused on a draft Migration Bill that has now been in the Legislative Assembly since 2001. The law would criminalize "trafico" which is interpreted in Costa Rica as either smuggling or trafficking. The draft bill does not make the distinction. Investigators, prosecutors, and judges have all commented to Poloff that the lack of a specific law against trafficking impedes their ability to prosecute and convict traffickers.

In broad terms, GOCR means to combat trafficking can be divided into three categories: investigations, capacity-building of officials involved in combating trafficking, and legislative efforts to pass laws and decrees for the prevention, prosecution, and eradication of commercial sexual exploitation. The Public Security Ministry's commercial sexual exploitation unit consists of 23 investigators (nine in the capital and 14 in the provinces) and 19 administrative staff. The OIJ's trafficking crimes investigative unit consists of three investigators. The Public Force (which does police work) special investigative unit created a cyber-crimes unit to identify and break up cyber child pornography rings, investigate pedophile rings, and contribute to the eradication of commercial sexual exploitation under the direction of a Special Prosecutor.

According to ILO, the GOCR has worked to establish better migration controls. The GOCR's National Commission Against Sexual Exploitation of Minors (CONACOES) meets regularly to discuss efforts being taken to combat commercial sexual exploitation of minors. The Commission is divided into three sub-commissions: prevention, assistance for victims and their families, and judicial affairs. IOM reported that the GOCR participated in developing the Regional Work Plan on Smuggling and Trafficking for the Regional Migration Conference. Specifically, the GOCR approved a regional information campaign on the risks and consequences of trafficking in persons. The GOCR has also been active in the Central American Migration Directors, Commission (OCAM). Last year, within the context of this group, the GOCR proposed the creation of a database that would include information on foreigners linked to commercial sexual

exploitation of minors. In order to increase its prevention efforts, the GOCCR also proposed capacity-building for migration officials on children's rights and identifying risky situations in which commercial sexual exploitation could occur. Further, the Migration Department, in conjunction with IOM and ILO, has offered specialized technical training on trafficking and commercial sexual exploitation of minors to employees of other Migration Departments throughout the region.

18H. (SBU) NGO Casa Por Tus Derechos reported that border officials regularly accept sexual favors in return for allowing improperly documented adult and minor females to cross into Costa Rica. The NGO also noted that in 2004 a local television station produced a documentary in which it showed traffickers on the Nicaraguan-Costa Rican border paying off local authorities in order to get their victims across. As a result, the officials were separated from their duties while an administrative investigation was conducted into the misbehavior. According to the trafficking crimes investigative unit, it costs USD 800 in bribes to successfully cross all of the border points between Costa Rica and Mexico illegally. NGO Fundacion Rahab told Poloff that in December 2004, two female minors accused two employees of the local branch of the Comptroller General's office in the Caribbean coastal town Limon of commercial sexual exploitation of minors. The charges are currently being investigated. The Public Security Ministry reported that it has no information regarding government officials involved with or complicit in trafficking activities.

18I. (SBU) In practice, the GOCCR has substantial financial limitations on its ability to address the trafficking issue. The Public Security Ministry reported that it lacks the human and financial resources needed to hire more investigators, carry out undercover operations, acquire the necessary technology, and pay informants. The Children's Welfare Institution (PANI) does not have the resources to maintain the number of shelters needed to accommodate trafficking and commercial sexual exploitation victims who are minors. There are no shelters specifically for trafficking victims. Save the Children, Defense for Children International, IOM, and ILO all reported that the government lacks the resources needed to provide victims with the necessary rehabilitation services. There is no systemized operation to provide assistance to victims waiting to be repatriated. Investigators in the specialized trafficking crimes unit told Poloff that they regularly take up collections in their office to feed victims who are stuck without food or a place to stay while they wait to be sent back home. The ILO lamented that victims assistance programs are financed mainly by IOs and NGOs. The GOCCR, according to the ILO, provides shelter to minors and does not focus on how to keep the minors from being re-victimized once they leave the shelter. IOM reported that the GOCCR does not have the funds to train government officials or provide victims the rehabilitation services they require. Save the Children reported that the government is limited in its capacity to combat trafficking largely because the government officials responsible for leading the fight are not adequately trained and have difficulties identifying the crime.

Additionally, the trafficking crimes investigative unit investigators complained that there is little coordination between the different organizations involved in combating trafficking. IOM and Save the Children expressed the same concern to Poloff, and have committed to hiring a short-term consultant to help improve the channels of communication between the NGOs, international organizations, and government institutions involved. NGO Alianza Por Tus Derechos lamented that there is an overall lack of understanding among the population about trafficking; most people think that victims are simply prostitutes who engage willingly in commercial sex work. The populace, according to the NGO, does not see a need to do anything to help "whores." The three investigators in the trafficking crimes investigative unit explained that they have to conduct exhaustive investigations because they are basically searching for acceptable evidence in order to prosecute traffickers under other related statutes, which are hard to prove, like slavery. Finally, lack of clarity on the difference between smuggling and trafficking among certain areas of the government as well as in draft legislation also limits the government's ability to address the trafficking issue (please see paragraph 18G for more information).

18J. (SBU) The GOCCR's National Commission Against Sexual Exploitation of Minors (CONACOES) meets regularly to discuss efforts to combat commercial sexual exploitation of minors. The Commission is divided into three sub-commissions: prevention, assistance for victims and their families, and judicial affairs.

18K. (SBU) Prostitution for individuals over the age of 18 in Costa Rica is legal. Pimping is a crime punishable by two to five years in prison. Brothel owners and operators are

subject to the same sanctions as pimps. Article 169 of title three of the Criminal Code states that anyone who "promotes the prostitution of persons of any sex, or induces them to engage in it or maintains them as prostitutes or recruits them with this goal will be sanctioned with the punishment of two to five years in prison." According to Article 170 of title three, if the individuals involved are minors, or if the pimp uses deception, violence, abuse of authority, intimidation, coercion, or family connections or other close relationships of confidence then the sanction is increased to four to ten years in prison.

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PREVENTION  
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19A. (SBU) The GOCR recognizes that trafficking is a problem. As mentioned in paragraph 18G, there is some confusion among some government officials about the differences between trafficking, smuggling, and commercial sexual exploitation. Some officials use the terms interchangeably, and therefore officials may think they are addressing the issue of trafficking when in fact they are speaking about one aspect of it. In Costa Rica's case, the majority of efforts and resources are focused on commercial sexual exploitation of minors. For example, the National Commission Against Commercial Sexual Exploitation of Minors (CONACCOES) is focused on commercial sexual exploitation, and trafficking is considered as one modality of this type of exploitation.

19B. (SBU) Government agencies involved in anti-trafficking efforts include the Ministry of Public Security, the Migration Department, the Children's Welfare Institution, Judicial Investigative Police (OIJ), the Office of the Chief Prosecutor, and the Ombudsman's Office.

19C. (SBU) The Migration Department conducted a national public information campaign designed to warn tourists who might be interested in sexual tourism. The campaign included putting up posters in airports and placing inserts in immigration documents that warned incoming tourists of the sanctions against commercial sexual exploitation of minors. There are also billboards along the routes to major beach hotels. The GOCR also implemented a national information campaign about commercial sexual exploitation, but the campaign did not specifically address the issue of trafficking in persons. Post does not have research data on the campaign's effectiveness.

ILO reported that the Ministry of Foreign Affairs developed an initiative to sensitize Costa Rican diplomats to the issue of trafficking and how to help prevent and detect it, as well as how to respond in a timely fashion to victims they identify. A poster display containing information about commercial sexual exploitation and trafficking was sent to all employees of the Costa Rican Foreign Service. A training manual was also produced that will be used to train Costa Rican diplomats on how to help combat trafficking in minors. The manual is currently being printed and will be distributed to all Costa Rican diplomatic missions. Further, the ILO and the Migration Department provided training to border officials on how to help prevent trafficking. The training included instruction on the difference between smuggling of labor migrants and trafficking; the responsibility of migration officials to prevent, detect, and report trafficking cases they identify; and the officials' obligation to protect trafficking victims. Post does not have information on the campaign's effectiveness.

The Ministry of Public Security reported that the Migration Department is currently working with the ILO to create a national protocol on assistance for trafficked minors. Additionally, the Migration Department conducted a national public information campaign with Defense for Children International and Save the Children Sweden on combating smuggling and trafficking of minors. The campaign consisted of placing pamphlets and posters in all Migration Department offices. The Migration Department also now includes the following language on immigration forms: "Sexual exploitation of minors is a crime in Costa Rica. Report it by dialing 911." Post does not have information on the campaign's effectiveness.

NGO Paniamor reported that it has been working with the Ministry of Public Security to provide training to police nationwide on police intervention with children and adolescents that are either victims or are at risk of being sexually exploited. The Ministry and Paniamor developed a pocket-sized manual of "Norms and Procedures" for police intervention in such cases. Paniamor also coordinated with the National Police Training Academy to develop a 40-hour curriculum about commercial sexual exploitation that will be included in the basic police-training course as of May 2005. Post does not have information on the campaign's effectiveness.

19D. (SBU) Defense for Children International reported that the GOCR supports capacity-building training for its employees. NGO Alianza Por Tus Derechos reported that several police officers have sought training on trafficking from the NGO without the knowledge of their supervisors. According to Alianza, the policemen told Alianza that their supervisors were not supportive of their desire to receive this training, considering it a distraction from more urgent duties.

IOM and the Ministry of Foreign Affairs reported that the GOCR has programs that indirectly help to prevent trafficking. For example, the Women's Ministry has programs that support the role of a mother in ensuring her children remain in school; programs to support adolescent mothers; and programs to involve women in micro-enterprise. The Ministry also provides school vouchers and scholarships to help offset education costs that can be prohibitive to low-income families.

ILO reported that the Judicial Investigative Police (OIJ), the Migration Department, and the Children's Welfare Ministry partnered with Save the Children's effort to create a web page containing a list of and information about minors who have disappeared. Additionally, OIJ, the Children's Welfare Institution, and the Public Security Ministry signed an agreement with the International Center for Missing and Exploited Children (ICMEC) that allows for the search and rescue of minors who have disappeared and been subjected to different types of exploitation.

19E. (SBU) Due to budget restraints, the GOCR is limited in the financial resources it has available to fund trafficking prevention programs. Instead, the GOCR has sought low-cost alternatives to help prevent trafficking, such as the initiatives outlined in paragraph 19D.

19F. (SBU) Investigators from the OIJ's special trafficking crimes investigative unit, a judge from the children and adolescence department, IOM, Save the Children, Alianza Por Tus Derechos, and Fundacion Rahab all reported that there is a lack of organization between the GOCR, international organizations, and local NGOs working on trafficking. During the course of interviews conducted to collect information for this report, Poloff noted that on several occasions the actors involved were unaware that their efforts were being duplicated elsewhere within the anti-trafficking community. To help improve the situation, IOM and Save the Children have joined together to hire a short-term consultant to help facilitate dialog and build institutional relationships among the relevant organizations. Government officials and NGO representatives both complained about the Child Welfare Ministry's lack of responsiveness and inability to provide necessary services to identified victims or at-risk youth.

19G. (SBU) The Migration Department reported that it has taken actions directed at exercising better control over the entry and exit of minors into and out of Costa Rica. IOM reported that despite the existence of border controls at each international border (with Nicaragua and Panama), there are an unknown number of unofficial border crossing points over which the border control officials have no control. Post has no knowledge of GOCR efforts to monitor immigration and emigration patterns for evidence of trafficking.

19H. (SBU) The National Commission Against Sexual Exploitation (CONACOES) meets regularly to discuss efforts being taken to combat commercial sexual exploitation of minors. The Commission is divided into three sub-commissions: prevention, assistance for victims and their families, and judicial affairs. There is currently no mechanism to coordinate communication between agencies involved in combating trafficking (please see paragraph 19F for more information). The GOCR does not have a trafficking-in-persons task force. The GOCR does have a public corruption task force, located in the Office of the Deputy Attorney General for Ethics.

19I. (SBU) The Ministry of Public Security reported that it cooperates with other countries' migration departments, Interpol, and the FBI to identify and detain suspected traffickers the Ministry is investigating. Additionally, the GOCR partnered with the International Center for Missing and Exploited Children (ICMEC) and created a specialized team of 60 government employees from the Public Security Ministry, the Judicial Investigative Police (OIJ), the Children's Welfare Institution, and Interpol with the goal of supporting the identification and tracking of pedophiles. They intend to do this by offering information to the general public on commercial sexual exploitation, making computers available for individuals to file charges against pedophiles electronically, and training police to track internet sites that sexually exploit minors.

The GOCR participates in the Commission of Central American Migration Directors (OCAM)(which includes trafficking in its

general work plan) and the Regional Conference on Migration (CRM).

Also, a declaration against commercial sexual exploitation of minors was issued during the Sixth Conference of Ministers and Government Employees Involved in Protecting Youth and Adolescents Latin America, which was held in Costa Rica in October 2004.

19J. (SBU) The GOCR does not have a national action plan to address trafficking in persons. The National Child and Adolescence Plan refers to prevention of trafficking and protection of victims.

19K. (SBU) The National Commission Against Sexual Exploitation of Minors (CONACOES) meets regularly to discuss efforts being taken to combat commercial sexual exploitation of minors. The Commission is divided into three sub-commissions: prevention, assistance for victims and their families, and judicial affairs. One of the founding members of the Commission lamented privately to Poloff that the Commission has not functioned properly since its creation due to the lack of a budget. Another NGO representative also shared this opinion with Poloff. Another NGO reported that another difficulty with CONACOES is that the Ministries represented do not send decision-makers to the meetings, so it is difficult to get things done.

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INVESTIGATION AND PROSECUTION OF TRAFFICKERS  
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20A-B. (SBU) Costa Rica does not have a specific law prohibiting trafficking in persons. However, trafficking is codified in Title III (known as the Law Against Sexual Exploitation of Minors) and Title XVII (which deals with human rights crimes of an international nature) of the Criminal Code. Articles 156 to 163 of Title III were revised in August 1999 to include sexual crimes against minors. The reforms broadened the situations and conditions under which such crimes are penalized.

Article 169, which criminalizes pimping, states: "Anyone who promotes the prostitution of persons of any gender, maintains them in prostitution or induces them to practice prostitution or recruits them for this purpose will be sanctioned with a prison term of two to five years. The same sentence will be imposed for those who maintain a person in sexual servitude."

Article 170 criminalizes aggravated pimping with a 4-10 year prison term as the penalty for individuals who: pimp minors under 18 years of age; use deceit, violence, abuse of authority, or exploitation of the victim's situation of necessity; use any means of intimidation or coercion; have a sibling or blood relationship or have a custodial relationship or has a tutor/teacher relationship; or have a relationship of confidence with the victim or the family, regardless of kinship. Under Article 170, the will of the victim (i.e. the victim's consent to engage in prostitution) is considered irrelevant to the offense.

Article 172 deals with trafficking in persons. It says, "Anyone who promotes, facilitates,